
PRELIMINARY DRAFT
No. 3338

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2007 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 29-1-7-15.1.

Synopsis: Wills. Provides that a will can be admitted to probate more than three years after the decedent's death if the will is presented for probate less than 60 days after: (1) another will previously offered for probate is denied probate; or (2) the probate of another will previously admitted to probate is revoked.

Effective: July 1, 2007.



A BILL FOR AN ACT to amend the Indiana Code concerning probate.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 29-1-7-15.1, AS AMENDED BY P.L.238-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.1. (a) When it has been determined that a decedent died intestate and letters of administration have been issued upon the decedent's estate, no will shall be probated unless it is presented for probate before the court decrees final distribution of the estate.

(b) No real estate situate in Indiana of which any person may die seized shall be sold by the executor or administrator of the deceased person's estate to pay any debt or obligation of the deceased person, which is not a lien of record in the county in which the real estate is situate, or to pay any costs of administration of any decedent's estate, unless letters testamentary or of administration upon the decedent's estate are taken out within five (5) months after the decedent's death.

(c) The title of any real estate or interest therein purchased in good faith and for a valuable consideration from the heirs of any person who died seized of the real estate shall not be affected or impaired by any devise made by the person of the real estate so purchased, unless:

(1) the will containing the devise has been probated and recorded in the office of the clerk of the court having jurisdiction within five (5) months after the death of the testator; or

(2) an action to contest the will's validity is commenced within the time provided by law and, as a result, the will is ultimately probated.

(d) The will of the decedent shall not be admitted to probate unless the will is presented for probate ~~not more than~~ **before the latest of the following dates:**

(1) Three (3) years after the individual's death.

(2) **Sixty (60) days after the entry of an order denying the probate of a will of the decedent previously offered for probate and objected to under section 16 of this chapter.**



1 **(3) Sixty (60) days after entry of an order revoking probate of**
2 **a will of the decedent previously admitted to probate and**
3 **contested under section 17 of this chapter.**

4 However, in the case of an individual presumed dead under
5 IC 29-2-5-1, the three (3) year period commences with the date the
6 individual's death has been established by appropriate legal action.

